

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	SUZANNE B. CONLON	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	09 C 7210	DATE	August 6, 2010
CASE TITLE	Jaryan Gills (#2007-0068819) vs. Thomas Dart, et al.		

DOCKET ENTRY TEXT:

The defendants' motion to dismiss [#38] is granted. Defendants Thomas Dart and Salvador Godinez are terminated as defendants pursuant to Fed. R. Civ. P. 12(b)(6) and 15(a). The plaintiff's motion for reconsideration [#46] and renewed motion for leave to amend [#44] are granted. The clerk is directed to issue summonses for service of the third amended complaint by the U.S. Marshals Service. The plaintiff's fourth motion for appointment of counsel [#45] is denied.

Suzanne B. Conlon

Docketing to mail notices.

■ [For further details see text below.]

STATEMENT

The plaintiff, an inmate in the custody of the Cook County Department of Corrections, has brought this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. The plaintiff claims that the defendants, jail officials, violated the plaintiff's constitutional rights by acting with deliberate indifference to his safety and medical needs. This matter is before the court for ruling on pending motions.

The defendants' motion to dismiss is granted. In his motion for leave to amend [document no. 44], the plaintiff confesses the motion, conceding that "plaintiff has determined that Tom Dart and Salvador Godinez [are] not liable" and that he "want[s] to take them off of the lawsuit." Accordingly, Dart and Godinez are dismissed as defendants.

The plaintiff's motion for reconsideration of leave to amend and renewed motion for leave to amend are granted. The clerk is directed to file the third amended complaint, and to issue summonses for service of the third amended complaint.

The United States Marshals Service is appointed to serve the defendants. Any service forms necessary for the plaintiff to complete will be sent by the Marshal as appropriate to serve the defendants with process. The U.S. Marshal is directed to make all reasonable efforts to serve the defendants. With respect to any former jail employee who can no longer be found at the work address provided by the plaintiff, the Cook County Department of Corrections shall furnish the Marshal with the defendant's last-known address. The information shall be used only for purposes of effectuating service [or for proof of service, should a dispute arise] and any documentation

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STATEMENT (continued)

of the address shall be retained only by the Marshal. Address information shall not be maintained in the court file, nor disclosed by the Marshal. The Marshal is authorized to mail a request for waiver of service to the defendants in the manner prescribed by Fed. R. Civ. P. 4(d)(2) before attempting personal service.

Finally, the plaintiff's fourth motion for appointment of counsel is denied, for the reasons set forth in the court's prior orders.

Stephanne B. Conley